

## LOCAL MEMBERS OBJECTION

COMMITTEE DATE: 09/11/2016

APPLICATION No. **16/00256/MJR** APPLICATION DATE: 16/02/2016

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: MR K DONNELLY

LOCATION: LAND TO REAR OF 90 MINNY STREET, CATHAYS, CARDIFF,  
CF24 4EU

PROPOSAL: PROPOSED DEMOLITION OF FORMER LAUNDRY AND  
REPLACEMENT WITH STUDENT ACCOMMODATION AND  
ASSOCIATED WORKS

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**RECOMMENDATION 1:** That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 8.9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. This consent relates to the following approved plans and documents:

Plans Numbered – 1936-001A; 002A; 211; 300; 301; 302; 303; 304; 305;  
307; 308; 309A & 310.

Streetwise Location Plan.

Mango Planning Cover Letter dated 01 February 2016.

Mango Planning Design & Access Statement ref: DB/150075/R002 dated  
February 2016.

Mango Planning, Planning Statement ref: DB/150075/R003 dated  
February 2016.

Corun Transport Statement ref: 15-00425/TS01/Rev B dated January  
2016.

David Clements Ecology Ltd. Bat Survey ref: DCE 874 dated July 2016.

Mango Planning email dated 15 April 2016 indicating a site management  
overview.

Reason. For the avoidance of doubt.

3. Notwithstanding the submitted plans, details of refuse storage and management, providing the following minimum capacities, shall be submitted to and approved in writing by the local planning authority:

2x 1100 litre bins for general waste;  
2x 1100 litre bins for dry recyclables; and  
1x 240 litre bin for food waste.

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure an orderly form of development and protect the amenities of the area.

4. Notwithstanding the submitted plans, details of cycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. To ensure appropriate provision for cyclists.

5. D3D Maintenance of Parking Within Site

6. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required but not limited to details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.

Reason: In the interests of highway safety and public amenity.

7. No part of the development hereby permitted shall be occupied until a travel/parking/traffic/resident/letting management plan to include, but not limited to, the promotion of public transport and other alternatives to the private car; the management of traffic at the start and end of term; the control of vehicular access to the site; the exclusion and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority.

Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.

8. Details of an external lighting scheme for the site, including communal areas and the secondary pedestrian access route off May Street shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for low level lighting that is directed away from the adjacent dwellings where possible. The approved scheme shall be

implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. To ensure an orderly form of development and in prevention of crime and disorder.

9. The development hereby approved shall be implemented in accordance with the ecological mitigation measures identified in Sections 5.3 to 5.7; 5.10; 5.11 and 5.13 of the approved Bat Survey.

Reason: In compliance with the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

10. The development shall be implemented in accordance with the ecological mitigation measures identified in Sections 5.2; 5.8; 5.9 and 5.12 of the approved Bat Survey, in respect of nesting birds.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

11. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

12. No site clearance, preparation or development shall take place until the following have been submitted and approved in writing by the Local Planning Authority: -

- A Soil Resource Survey (SRS) and Plan (SRP) prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
- A hard and soft landscaping scheme, including a detailed planting schedule and aftercare plan, that incorporates the requirements and recommendations of the SRP and where necessary makes provision for the importation of planting soils that have been certified in accordance with British Standard 3882:2015 and British Standard 8601:2013 and shown to be fit for purpose in an interpretive report prepared by a soil scientist.

Reason. The information required is necessary to ensure the longevity of any soft landscaping, in the interests of visual amenity.

13. C2O Architectural detailing
14. E1B Samples of Materials
15. Any site won materials including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the local planning authority in advance of the reuse of site won materials. Only materials which meet the site specific target values approved by the local planning authority shall be reused.  
Reason. To ensure the safety of future occupiers is not prejudiced.
16. C7A Specified Use Land
17. C7Zb CLM - REMEDIATION & VERIFICATION PLAN
18. C7Zc CLM - REMEDIATION & VERIFICATION
19. C7Zd CLM - UNFORESEEN CONTAMINATION
20. D7Z Contaminated materials
21. E7Z Imported Aggregates
22. Prior to implementation of the development hereby approved, a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
23. Details of any access gates to the development shall be submitted to and approved in writing by the local planning authority. The details shall show gates that do not open over the highway, and that are secure from unauthorised entry. The approved gates shall be installed prior to the beneficial occupation of the development and shall thereafter be retained and maintained.  
Reason. To ensure an orderly form of development.

24. The retained boundary enclosures as shown on plan no. 1936-301 shall be taken to a finished standard immediately upon demolition of the existing buildings.

Reason. In the interests of amenity and security for adjacent occupiers.

25. The first floor 'Kitchen' window serving 'Plot 3' and facing the rear of 160 Cathays terrace shall be glazed in obscured glass and shall have restricted opening and shall thereafter retained and maintained as such.

Reason. To protect the privacy and amenity of existing and future occupiers.

**RECOMMENDATION 2:** Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development , and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

**RECOMMENDATION 3:** To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

**RECOMMENDATION 4:** Welcome Pack – The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing public transport services in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.

**RECOMMENDATION 5 :** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a

site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

## **1. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An application for the demolition of a vacant former laundry premises with redevelopment of the site as 16 student flats, accommodated in 1no. two storey block and 1no. 3 storey block. The proposed flats comprise 11x 2 bed and 5x 1 bed units.
- 1.2 The proposed Block 1 is a domestic scale 2 storey building, fronting Minny Street, with a 'wrap around' single and two storey element adjacent to the rear boundaries of the properties at 160-166 Cathays Terrace. The block has a pitched roof and an archway providing pedestrian and vehicular access to the site. The block is shown as being finished in facing brick with a grey tiled roof.
- 1.3 The proposed block 2 sits within the site and is of a three storey scale, with a flat roof construction of differing levels. This block has a communal entrance fronting the courtyard. The second floor (accommodating 3 units) is set well into the larger roof area of the first floor, predominantly along the northern and eastern elevations. Block 2 is shown as being finished in a combination of facing brick, render panels and rain screen cladding.
- 1.4 The site is shown as being enclosed by a wall retained from the demolished buildings, to heights of 3.0m and 3.5m. Amended plans have been received which show the area of wall to be retained at 3.5m being increased, to include the enclosures to the dwellings fronting Dalton St and Minny St.

- 1.5 There are areas of communal open space around Block 2 and in between Block 1 and 2. The proposals include off street parking for 2 vehicles, and an amended structure is shown that will accommodate up to 27 cycles.
- 1.6 Refuse storage facilities are shown on the proposed plans that appear to accommodate the required capacities.
- 1.7 A second point of access to the site for pedestrians is shown off May Street. This access route is an existing situation.
- 1.8 Amended plans have also been received which make minor alterations to the building footprint, add rooflights to serve first floor rooms and add several high level obscure glazed windows. In addition, two bedrooms have been removed from the roofspace of Block 1, reducing the number of bedrooms proposed from 29 to 27.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 0.11Ha in area, and is surrounded by dwellings fronting Minny Street, May Street, Cathays Terrace and Dalton Street.
- 2.2 The site is almost completely developed, being a former industrial laundry, with the existing buildings being in a very poor state of repair. The flat roofed buildings are of differing scale, with the highest being of three storey scale.

## 3. **SITE HISTORY**

- 3.1 15/02433/MJR – Full application for the demolition of buildings and redevelopment for student accommodation – Withdrawn

08/00721/C – Outline application demolition of buildings and construction of 21 self-contained flats – Withdrawn

96/01470/W – Change of use from paint spray booth to builders merchants – Refused & appeal dismissed.

## 4. **POLICY FRAMEWORK**

- 4.1 The relevant Local Development Plan Policies are:

Policy KP5 (Good Quality and Sustainable Design)

Policy H6 (Change of Use or Redevelopment to Residential Use)

Policy T1 (Walking and Cycling)

Policy T5 (Managing Transport Impacts)

Policy W2 (provision for Waste Management Facilities in Development)

- 4.2 The following Guidance was supplementary to the development Plan, now superseded by the Local Development Plan. However, it is considered consistent with adopted Local Development Plan policies and provides relevance to the consideration of this proposal to help and inform the assessment of relevant matters:

Access, Circulation and Parking Standards 2010  
Waste Collection and Storage Facilities 2007  
Infill Sites 2011

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Transportation Manager has no objection, making the following comments:

*The SPG (Access, Circulation & Parking) stipulates a minimum of 1 off-street parking space per 25 students for operational use in association with this sui generis use, together with additional vehicle and cycle parking on a bespoke basis for staff/visitors i.e. the provision of 2 spaces as proposed is policy compliant in this sustainable location with ready access to public transport, shops and services, and the nearby university campus. Adequate provision is also made for cycle parking which will serve to encourage this mode of travel.*

*I'd therefore have no objections subject conditions relating to conditions D3D (car parking) and C3S (cycle parking) together with;*

*Combined Travel and Student Accommodation Traffic Management Plan condition – No part of the development hereby permitted shall be occupied until a travel/parking/traffic/resident/letting management plan to include, but not limited to, the promotion of public transport and other alternatives to the private car; the management of traffic at the start and end of term; the control of vehicular access to the site; the exclusion and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority. Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway;*

*Construction management plan condition – No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required but not limited to details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved. Reason: In the interests of highway safety and public amenity*



- 5.2 The Waste Manager considers the indicated refuse storage area to be acceptable, subject to the proposals accommodating the appropriate capacities. Condition 3 is recommended in order to secure those capacities and to secure an acceptable structure.
- 5.3 The Pollution Control Manager (Contaminated Land) has no objection to the proposals, subject to contaminated land conditions and advice.
- 5.4 The Pollution Control Manager (Noise & Air) has no objection, subject to a condition relating to plant noise and advice regarding construction site noise.
- 5.5 The Neighbourhood Renewal (Access) Manager has been consulted and any comments will be reported to Committee.
- 5.6 The Parks Manager has no objection to the proposals, subject to the developer agreeing to a financial contribution of **£14,132** towards the provision of or maintenance of existing open space in the vicinity of the site.
- 5.7 The Council's Ecologist has reviewed the submitted Bat Survey and has no objection, subject to the imposition of conditions relating to the implementation of the development in accordance with mitigation measures identified in that Survey in respect of protection of nesting birds and Bats. A representation has been made with regard to bees nesting in vegetation growing on the existing buildings and the Ecologist makes the following comment in that regard:
- In respect of the concern raised about impacts upon bees, it is true that pollinating insects such as bees are in decline. However, whilst mature Ivy can be a haven for foraging bees, it is unlikely in my view that this one patch of Ivy is of such importance that its removal will result in significant harm to bee populations.*
- 5.8 The Highways Drainage Manager has been consulted and no comments have been received.
- 5.9 The Council's Tree Protection Officer has no objection in principle to the submitted landscaping details. However, a condition requiring the submission of further soils analysis information, and landscape details informed by it is considered appropriate.
- 5.10 The Neighbourhood Regeneration Manager has been consulted and any comments will be reported to Committee.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water have been consulted and no objection is raised in respect of site drainage or water supply, subject to conditions and advice relating to drainage.

6.2 South Wales Police have no objection. Comments received relating to crime prevention have been passed to the agent.

## 7. **REPRESENTATIONS**

7.1 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures.

7.2 20 individual letters/emails of objection have received from neighbouring residents, which raise the following concerns:

- The proposed building is out of scale, context and character of the surrounding terraced dwellings;
- The proposed building will result in a loss of light to the surrounding dwellings;
- The proposed building will result in a loss of privacy to the surrounding dwellings;
- Noise disturbance from the occupiers;
- Loss of property value;
- Increased instances of litter nuisance;
- Increased pedestrian and vehicle movements causing disturbance and potential for accidents;
- Existing under pressure services such as sewerage and water supply will be further eroded;
- Unhappy with the Council's consultation, notification process;
- Loss of residential character of Cathays;
- Adverse impact on bees and roosting bats;
- Loss of secure boundary enclosures;
- Lack of cycle parking;
- The Design & Access Statement is misleading;
- Comments on the previous application (15/02433/MJR) must be taken into account under this application;
- Creation of pest nuisance due to external bin store;
- Undue disturbance during any construction period;
- Loss of security and risk of crime due to opening the path to May Street;
- Excessive number of applications (4no. in 16 months). The applicant is seeking to wear down opposition;
- Amendments are superficial and don't take account of local opinion;
- The proposed accommodation will attract crime.
- Misrepresentation of the number of objections received, including a 50 signature petition;
- Misrepresentation in referral to 19 Dalton St;
- Non response to previous representations submitted;

- The latest report to Committee indicating permission has already been granted;
- Adequacy of the site visit of the 7<sup>th</sup> September 2016 as the Committee were unable to access the site;
- Misrepresentation stating in the report that the occupiers of no. 19 Dalton St will benefit from an 'enhanced environment';
- Misrepresentation in that the report states there will be 'little disruption or noise pollution';
- The provisions of the Human Right Act have not been addressed;
- No Environmental Impact report has been submitted. This is a statutory obligation;
- The extended waste bin facility reduces the available space;
- Reference is made to S106 legislation (S106BA, BB and BC relating to the Town & Country planning Act 1990 and the Growth and Infrastructure Act 2013).

7.3 Local Members have been consulted and Councillor Weaver (on behalf of himself, Councillor Merry and Councillor Knight) makes the following comment:

*The proposals would fail to meet the Councils policies due to the following, and should be rejected on the basis of;*

*The height of the building and its overlooking effect – both in terms of inappropriate design and impact on privacy;*

*Security for residents on Dalton Street;*

*The adverse impact on the character and amenity of the area for existing residents;*

*The likely impact of noise and disturbance to neighbouring properties;*

*Inadequate transport access and lack of parking.*

*The proposal to have this number of residential flats in this triangle of land behind existing properties is totally inappropriate development. It is overbearing, removes privacy, risks security, and is likely to increase noise and disturbance.*

*We are concerned about possible waste and transport management issues. We would like this proposal to be recommended for refusal, and if necessary come before the planning committee so that we can speak about the inappropriate nature of this application.*

7.4 Subsequently, Councillor Merry submitted the following comments (also on behalf of Councillor Weaver & Knight)

**Further objection from Cllrs Sarah Merry, Chris Weaver and Sam Knight**

*We are making an additional late representation as we are concerned that guidance under the Council's SPG are not addressed by the current application*

or by the report. Cardiff Council has specific policy on infill development due to the particular sensitivities of this type of development.

While the report refers to The Infill Sites Design Guide of 2011 as relevant policy we would wish to draw committee's attention to the following sections:

1.3 The overarching aims for this SPG are that infill development:

- Protects residential amenity, both of new and existing occupiers;
- Makes a positive contribution to the creation of distinctive communities, places and spaces;
- Is of good design which encompasses sustainability principles;
- Responds to the context and character of the area;
- Makes efficient use of brownfield land.

2.3 All development must be of good design and make a positive contribution to the adjacent townscape/landscape; ..... should always make a positive contribution to the context of the area.

**We do not believe that the report addresses the aim of the SPG that this type of development should protect the residential amenity of the new occupiers or the principle should be a positive contribution to the landscape and local area**

2.9 As a general rule, backland development should be a subservient form of development (lower than the front facing properties). ..... Replacement or new developments within similar sites should reflect this traditional pattern of development.

**This development is clearly not subservient to the surrounding properties. The majority of the properties are two storeys and much of the development would be three storeys. The fact that the existing building is 3 storeys is irrelevant and we would like to draw your attention to the fact that the guidelines specifically refer to replacement developments in this section of the guidelines. It does not state that this will be acceptable if replacing a building of the same height.**

2.10 The design of backland development must be based on a clear understanding of the effects that this type of development has on character and residential amenity. Problems that can occur which must be avoided, or minimised to an acceptable level, are:

- Loss of privacy and spaciousness;
- Loss of daylight;
- Inadequate access;
- Loss of green/garden space;
- Loss of car parking;

***Again the guidelines recognise the specific sensitivities of infill development in terms of loss of privacy, spaciousness, daylight, access which we do not feel are addressed by this planning application***

2.14 *It is important to strike a balance between maintaining the established positive character of a residential street and introducing additional housing. To avoid a 'town cramming' effect, any proposals must:*

- *Maintain a useable amenity space or garden for new as well as any existing dwellings/occupiers;*
- *Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site;*
- *Maintain appropriate scale and massing which respects buildings in the vicinity of the site;*

***The guidelines specifically refer to the need to avoid the "town cramming effect" which we believe this development creates in terms of density, massing and scale. We have particular concerns about the usable amenity space for the residents in view of the amount and also the character. If for example you consider the space between the proposed building and the wall backing on to May Street this will be overshadowed and more akin to a passageway than usable, pleasant amenity space in view of its width. The report states: "It is acknowledged that the available amenity space is limited, and its arrangement is constrained by the layout of the proposed development". We would argue that consideration of the constraints of the site should have been central when the developers were considering the density of the site rather than this being given as a reason for allowing the development. While the council is requesting section 106 payment towards open space it should be noted that there is no open space within close proximity of the site.***

3.8 *Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.*

***Please refer to our point above.***

3.23 *The character analysis should show how the infill development has taken account of and responded to existing building heights (number of storeys and floor to ceiling heights), scale and massing of buildings in the street.*

***As above – the building is significantly higher than surrounding buildings as is the massing.***

3.24 *For a backland site, a less conspicuous building of a lower scale in building height is often more appropriate to minimise overbearing and reduce impact on residential amenity*

**Again – as above**

3. Any increase in the intensity of existing accommodation will mean that careful consideration will need to be given to innovative solutions for useable amenity space, car parking provision, cycle storage and refuse storage facilities.

**We do not believe that this has been addressed by the application**

3.41 *All developments must demonstrate how they positively contribute towards safe and secure Environments*

***There are specific concerns from residents about the impact on the security of their properties with the opening up of this plot and the reduction in the wall height. There are also specific concerns about the access from May Street which will open up a passage way which is currently secure, even if this is locked we know from other examples that it is likely to be left unsecured by residents wanting easy access.***

4.1 *Any infill, backland or site redevelopment must consider both the new and future occupiers' amenity, as well as neighbouring amenity of nearby dwellings.*

**As above**

4.2 *All new residential dwellings, as well as existing dwellings affected by the development, should maintain useable and appropriate external amenity space. This space should be integrated within the design proposals and not just be 'left over space' after planning.*

***As above – and we have emphasised that it specifically states that amenity space must not be left over space after planning.***

4.9 *The minimum overlooking distance from a habitable room window to a garden area of a separate dwelling should be 10.5m. Relying on obscurely glazed windows or non-opening windows is not a preferred means of achieving privacy.*

***The report recognises that this is not the case with the current application. Residents have made the point that while the existing building may be 3 storeys that it is very different to have people occupying a residential property.***

4.11 To safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.

**We believe that the overshadowing and overlooking of neighbouring properties has not been given proper consideration. In fact the pictorial example of bad planning in the guide is not dissimilar to the current application.**

We also include a number of pictures supplied by a local resident. The first showing the kind of waste issues generated by an adjoining flat conversion owned by the developer:

*Parking in Dalton Street in the evening – bear in mind this is at a time when the students are not around:*

*The introduction of 75% resident parking would not resolve the issues as there is a luncheon club used by many elderly people which as a result use cars to access the club and would be unable to park in the vicinity.*

7.5 Councillor Clark objects to the proposals, making the following comments:

*I am writing in support of local residents in their objection to the proposed development to the rear of 90 Minny Street, Cathays on the following grounds:*

- *The height of the proposed development will overlook neighbouring residential properties resulting in an overbearing development and an invasion of privacy.*
- *The proposed development has insufficient on site allocation of car parking spaces. There are no allocated disabled spaces. We have seen again and again in Cathays that even if residents of developments are advised not to bring cars they do anyway.*
- *Having such a high concentration of people living in such a small area is likely to lead to excessive noise and disturbance*
- *The way the development is designed is likely to breach the security of neighbouring properties*
- *There has been very poor consultation and resulting misunderstanding regarding this development. As a result it has not been possible to submit an earlier petition.*

7.6 Amended plans were received subsequent to the Committee meeting of the 14<sup>th</sup> September. Notification letters were sent to interested parties (dated 20 September 2016), and a further four letters of objection were received, which indicated previous concerns had not been addressed by the amended plans.

## 8. **ANALYSIS**

- 8.1 An application for the demolition of a vacant former laundry premises with redevelopment of the site as 16 student flats, accommodated in 1no. two storey block and 1no. 3 storey block. The proposed flats comprise 11x 2 bed and 5x 1 bed units.

The application was deferred by Planning Committee on the 10<sup>th</sup> August 2016 in order to undertake a site visit. That site visit took place on the 7<sup>th</sup> September 2016.

The application was further deferred by Planning Committee on the 14<sup>th</sup> September 2016 in order to undertake a second site visit, including gaining access into the application site. That site will take place on the 5<sup>th</sup> October 2016.

The application was again deferred by Planning Committee on the 12<sup>th</sup> October 2016 in order to consider reasons for refusal of consent based on overdevelopment and density.

- 8.2 The application site is located within the settlement boundary as defined by the Adopted Cardiff Local Development Plan proposals map and is located within an established residential area. The vacant former laundry premises are afforded no specific protection in land use policy terms. In this case, the residential redevelopment of the site raises no land use policy concerns.

### 8.3 **Layout, Scale & Massing**

The immediately adjacent built form around the site is mainly two storey pitch roof dwellings, with the dwellings fronting Cathays terrace being of three storey scale.

The existing buildings on site are of a commercial scale, with various heights up to and including three storey. The buildings predominantly occupy the northern part of the site and lie directly on (forming) the boundaries to dwellings from 164-170 Cathays terrace, 85-95 May Street, 9-21 Dalton Street and 86a-88 Minny Street. The submitted plans indicate a maximum building height of approx. 8.5m.

Block 1 as proposed is of a two storey scale, and presents to Minny Street as a new build structure that sits reasonably comfortably in the mix of dwelling styles that form the wider Cathays Terrace/Minny Street junction area. Whilst it is acknowledged that the proposals introduce a two storey construction for a small length of the boundary to no. 160 and 162 Cathays terrace, the rear area of no. 160 is a car park, and the extent of build across the rear of no. 162 is minimal and does not give rise to any significant concerns in terms of any overbearing impact.



Block 2 sits within the north-eastern section of the site. The proposed building is three storeys in height, with the top floor, in the main, being set back off the elevations to the ground and first floor. The degree of setback varies, with the deeper areas being to the north and east of the block. It is considered that this set back significantly reduces the impact of the scale and massing of the block. The maximum height of Block 2 is approx. 9.4m, reducing to approx. 6.2m at the main two storey height.

Block 2 is shown as having a separation distance from the boundary to the dwellings along May Street of approx. 2.2m (nearest) to 6.1m (farthest). The separation from the boundary to the dwellings to Dalton Street is approx. 5.0m (nearest) to 9.6m (farthest). The separation distance to the boundary to the dwellings to Minny Street is approx. 2.7m (nearest) to 12.8m (farthest).

Given the scale of the existing built form that forms the boundary to the gardens serving the dwellings on May, Dalton and Minny Street, the degree of separation indicated, and the overall reduction in scale of Block 2 to 6.2m in proximity to those boundaries, it is considered that the scale and massing of Block 2 is such that the proposals result in a far more open environment.

The massing of Block 2 is also broken up by the projections and recesses within the building's elevations and through changes in the finishing materials, as well as the top floor of the building being mainly set in.

The proposed layout indicates facilities for the parking of cycles and the storage of waste. Whilst the facilities have been found to be acceptable in principle, conditions are recommended that will see further details of the nature of the storage facilities being submitted for approval.

It is noted that representations indicate concerns in respect of the scale and massing of the proposals, in relation to the scale and character of the surrounding dwellings. However, as indicated above, the scale and massing of the proposed buildings compares favourably in relation to the existing built form and the relationships with the adjacent dwellings. In this case it is considered that refusal of consent on these grounds could not be justified or sustained.

In conclusion, the layout, scale and massing of the proposals are considered to be acceptable.

#### 8.4 Design and Materials

Block 1 is of a two storey pitched roof design, with a frontage to Minny Street. The block is to be finished predominantly in facing brick, with a cladded gable/bay feature over the vehicle access arch. The existing mix of dwelling styles and finishes in the vicinity is such that this arrangement does not result in adverse impact on the visual amenity of the area.

Block 2 is a flat roofed structure, having three distinct levels, from the top of the main entrance feature that folds over into the roof, down to the roof of the units forming the second floor, and finally down to the roof level of the first floor structure. This arrangement is reflective of the current built form on the site, comprising (albeit in a derelict state) flat roofed buildings, of varying heights.

Block 2 is to be finished in a combination of facing brick (main finish to ground and first floor elevations), Terracotta cladding to the second floor elevations, and several areas of render (mainly to the entrance feature).

A condition is recommended that requires the submission and approval of samples of materials in order to secure a high quality finish.

It is noted that representations indicate concerns in respect of the design and appearance of the proposals in relation to the existing adjacent residential character, which is predominantly two storey terraced dwellings. It is acknowledged that (certainly in respect of Block 2), the scale, design and appearance differ to that terraced character. However, it must be borne in mind that contemporary design cannot be dismissed purely on that basis. The proposals have been considered having regard for the current built form on site, a site that is industrial in its own character. The resulting Block 2 building has reference to that built form, and significantly improves the environment of a currently extremely dilapidated site in reducing the impact directly on the boundaries and having a comparatively small area of three storey scale.

The properties in the area adjacent to the main site entrance have a mix of finished materials, from stone, to brick, render and pebble dash. In addition, there are other recent development sites in the vicinity that also introduce a more contemporary style to the wider vicinity. In addition, it should be noted that whilst the proposals (Block 2) would clearly be visible to the occupiers of the adjacent dwellings, there would be no significant views of Block 2 from the wider public realm, as the site is essentially land locked. Therefore, it is considered that there would be no adverse impact on the visual amenity, or character of the area.

In light of the above, it is considered that there would be no justifiable or sustainable grounds to refuse consent in terms of the design or appearance of the buildings.

## 8.5 Amenity Space

It is acknowledged that the available amenity space is restricted, with its arrangement constrained by the layout of the proposed development and site. However, it is considered that the space that is available offers sufficient amenity for future occupiers to use in a communal fashion. Notwithstanding this, it is of note that at approx. 378sqm, the space exceeds that which would be required if

the guidance figures contained in the adopted Residential Design Guide SPG which, based on the figures quoted in para. 2.2 of the SPG would be 295sqm.

The limited provision of open space, based on occupancy on site has influenced the comments of the Parks Manager, who is seeking a financial contribution towards off-site provision/maintenance.

#### 8.6 Access & Parking

Vehicular access to the site, via an archway through Block 1 fronting Minny Street is considered to be acceptable. This entrance will also serve pedestrians. A condition is recommended seeking details of gates to the entrance, with further stipulation that gates do not open over the highway, and that they are secured against unauthorised entry.

Parking for two vehicles is provided in the internal courtyard area, to be utilised for servicing and arrival/departure of residents (to be controlled by the conditioned travel plan).

The plans show a provision for the parking of 19 cycles within the internal courtyard area. Whilst the plans indicate a parking structure, there are no details of its construction. A condition requiring the submission and approval of such details is recommended.

A secondary pedestrian access is proposed via a pathway from May Street. This path is an existing feature of the site. The condition relating to gate details would include this point of entry. A further condition, relating to on site external lighting will also include details of how this path is to be lit.

The details of the access and parking arrangements have been considered by the Operational Manager Transportation, who has no objection.

#### 8.7 Privacy and Amenity

Block 1 has been amended so as to reduce the amount of 2 storey development along the boundary to no. 162 Cathays Terrace. As indicated in para. 8.3 above, this has significantly reduced the impact of Block 1 on the occupiers of no. 162, and this relationship raises no further concerns. It should be noted that whilst there is new 2 storey development to the rear boundary with the flats at no. 160 Cathays Terrace, the area between the flats and the boundary is an open plan car park and therefore the impact of the new build has no adverse impact on amenity.

With regard to Block 2 and its relationship to the adjacent dwellings, this is considered by elevation as follows:

### Facing May Street

This elevation includes 3x ground floor, 2x first floor and 3x second floor windows.

The ground floor windows are of no concern as they would face onto the retained 3.0m high boundary wall.

The first floor windows are of no concern as they are high level and would not offer any direct views towards the rear of the May Street properties.

The second floor windows are of no concern as the rooftop set back is such that there would be no direct views down into the gardens of the May Street properties. To note, only one of the second floor windows is not set at high level. That window has a direct aspect towards no. 89 May Street. However the degree of setback would not allow views into the window to the first floor of the rear annexe of that dwelling, and views towards the first floor window to the main rear elevation would also be limited by the set back, and by the roof of the annexe to no. 89.

There are no privacy or amenity concerns to this elevation.

### Facing Dalton Street

This elevation includes 5x ground floor and 4x first floor windows.

The ground floor windows are of no concern as they would face onto the retained 3.5m high boundary wall.

Two of the first floor windows are set at high level and offer no direct views towards the rear of the Dalton Street properties. The two other windows to this elevation are set at distances of approx. 10.0m and 14.0m from the retained boundary wall, and approx. 23.8m to 24.2m from the annexe rear elevation and main rear elevation of no. 19 Dalton St.

Whilst it is noted that the one distance of 10.0m is less (by 0.5m) than the recommended minimum in the Council's 'Infill Sites' SPG, this has to be considered against the retained 3.5m high wall and the enhanced environment provided to the occupiers of no. 19 in the removal of the existing three storey high structures that currently form the boundary enclosure. Having regard for these factors, it is considered that any refusal of consent on ground of overlooking in this situation would be unsustainable.

### Facing Minny Street

In consideration of the privacy and amenity concerns raised in representations, this elevation is viewed in context of only 2x first floor windows, which are set in walls that have a staggered relationship to the adjacent dwelling identified. These windows serve the bedrooms to 'Plot 7' and have aspects directly towards the rear of the dwelling at no. 88 Minny Street.

Window 1 has a distance of approx. 10.0m to the retained 3.5m high boundary wall and approx. 21.5m to the main rear elevation of no. 88.

Window 2 has a distance of approx. 13.0m to the boundary wall, and approx. 20.1m to the rear elevation of the annexe to no. 88.

Both window 1 and 2 above have shortfalls in the distance either to the boundary, or annexe elevation to no. 88 of 0.5m and 0.9m respectively. The comment made above in respect of the window to boundary distance is relevant here and, again it is considered the shortfall, when taken in context of the wider environmental improvement and wall would not sustain refusal of consent. With regard to the 0.9m shortfall, again this case has been considered on balance with the environmental improvement gained by the removal of the high boundary enclosure, and the relatively small shortfall. Taking these factors into account (notwithstanding that the distance recommendations are guidance rather than policy), it is considered that refusal of consent on grounds of loss of privacy and amenity to the occupiers of no. 88 could not be reasonably justified or sustained.

Whilst there are clearly more windows to this elevation, none have any impact on adjacent boundaries or windows.

### Facing Cathays Terrace

There are no windows to this elevation that have any impact on adjacent occupiers.

In conclusion, it is considered that the extremely limited instances of shortfall distances, there would be no sustainable grounds for refusal of consent in terms of loss of amenity or privacy.

#### 8.8 With regard to other comments made in representations:

- The proposals see the removal of existing building that form the rear boundaries to the adjacent dwellings, up to and including three storeys in height. The proposed building is set off those same boundaries, to a maximum height only 0.9m higher than existing, and predominantly approx. 2.0m lower. In this case it is unlikely that the proposed buildings will have any

negative impact on the amount of natural light the surrounding dwellings will receive;

- There is no evidence that submitted that demonstrates future occupiers will cause noise disturbance. Should such disturbances occur, it is for other legislation to control;
- Perceived impacts on property value is not a material consideration in the determination of planning applications;
- There is no evidence submitted that demonstrates future occupiers would cause litter nuisance;
- The application has been considered by the Operational Manager Transportation. No concerns are raised in respect of vehicle or cycle parking, traffic movements or highway safety;
- The application has been considered by Welsh Water. Subject to a drainage condition being imposed, they have no concerns in respect of sewerage or water supply as a result of this development proposal;
- The application has been publicised in accordance with national guidance and procedures via direct notifications and site & press notices;
- The applicant has submitted a Bat Survey, which has been reviewed by the Council's Ecologist. Subject to the imposition of conditions (as indicated in para. 5.7 above), no objection is raised. The Ecologist comments in respect of bees can also be seen in para. 5.7 above;
- The existing buildings on site, in the main, provide the rear boundary enclosures to the adjacent dwellings. The proposals include the retention of part of the buildings to be demolished, forming boundary wall of 3.0-3.5m height. In addition, there is a requirement that any gates to the development site be secured to prevent unauthorised entry. In this case, it is considered that the adjacent dwellings will retain an acceptable level of security, with the proposals not resulting in any loss that would justify or sustain refusal of consent;
- The plans and documents submitted with the application and subsequently are sufficient to allow Officers to make an informed and reasoned judgement of the proposals;
- Comments made in respect of previous applications cannot be transferred to a subsequent application by the Local Planning Authority;
- There is no evidence that the presence of an external refuse store will result in pest nuisance. A condition is recommended to secure details of the construction of the store indicated, which is likely to require a structure of substance. Should any issue with vermin materialise, other agencies would have responsibility for its resolution;
- It is inevitable that there will be some form of disturbance caused during the construction phase of any development. However, this is not grounds for refusal of consent. Recommendation 3 above seeks to remind developers of their obligations under the Control of Pollution Act;
- As indicated in para. 3 above, there has been only one other planning application on this site since 2008, which was withdrawn prior to determination;

- The amendments that have been received have taken account of officer concerns (reflected in representations). It is considered that the amendments address concerns raised regarding scale and overlooking to a degree that would render refusal of consent unsafe;
- The proposals have been reviewed by South Wales Police, who have no objection. Comments and recommendations made by the Police in respect of crime prevention have been forwarded to the applicant;
- Records relating to this application show that until the receipt of a late representation, 13 individual letters/emails had been received. There is no record of any petition. The total number of representations on record from No. 19 Dalton Street is 3, with a further letter apparently written on behalf of the occupier of no. 21 Dalton St;
- The only direct referral to 19 Dalton St is contained in the 'Facing Dalton Street' section of para. 8.7 above. This referral is relating to the indication of separation distances and is a factual statement in respect of the submitted plans;
- Individual representations to planning applications do not receive any formal response;
- This report does not indicate that planning permission has been granted. It makes a recommendation that is to be considered by Planning Committee;
- The site visit of Sept. 7<sup>th</sup> was undertaken in the knowledge that the site would be inaccessible. It is for the Chair and Members of Committee to consider its validity;
- This report does not state that occupiers of 19 Dalton Street will benefit from an 'enhanced environment'. Part 6 of para. 8.3 states '...it is considered that the scale and massing of Block 2 is such that the proposals result in a far more open environment';
- This report does not state that there will be 'little disruption or noise pollution'. Bullet point 13 of para. 8.8 above provides an indication as to why the effects of construction works cannot reasonably justify refusal of consent;
- With regard to development proposals and the provisions of the European Convention on Human Rights, the advice obtained from the Council's Legal Services is that - The established planning decision-making process assesses the impact which a proposal will have on individuals and weighs that against the wider public interest when determining whether development should be permitted. That is consistent with the requirements of the European Convention on Human Rights;
- The development proposed is not Schedule 1 or Schedule 2 Development as identified in the Town & Country Planning (Environmental Impact Assessment)(Wales) Regulations 2016. As such, an Environmental Impact Assessment is not required. The submission of such Assessments is not a statutory obligation in all cases;
- The refuse store shown on the latest amendment is the same size as that previously shown. The amended plans provide clarity that the store is capable of accepting the storage capacities required by the Council;

- The S106 legislation referred to in the representation is not material to the consideration of this application. The legislation is relevant to appeals relating to requested affordable housing contributions under Section 106 of the Act. The proposals under consideration do not generate an affordable housing contribution. In addition it should be noted that the legislation quoted is not applicable in Wales.

8.9 S106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Parks – **£14,132** – Towards the improvement of open space in the vicinity. Details to be agreed in line with the CIL tests.

The applicant has confirmed that they accept the above mentioned contribution request.

8.10 In light of the above, and having regard for adopted planning policy guidance it is recommended that planning permission be granted, subject to a legal agreement and conditions.

8.11 Should Members be minded to resolve to refuse planning permission, in accordance with the resolution of the 12<sup>th</sup> October 2016, the following is offered as a possible reason:

*The proposed development, by reason of its location, density, layout and scale represents an overdevelopment of the site, leading to an over intensification of activity and overbearing building forms which will have an unacceptable impact on the amenity of future occupiers and existing adjacent residential occupiers, contrary to the requirements of Policy KP5(i), KP5(x) and H6(ii) of the adopted Cardiff Local Development Plan 2006-2026.*

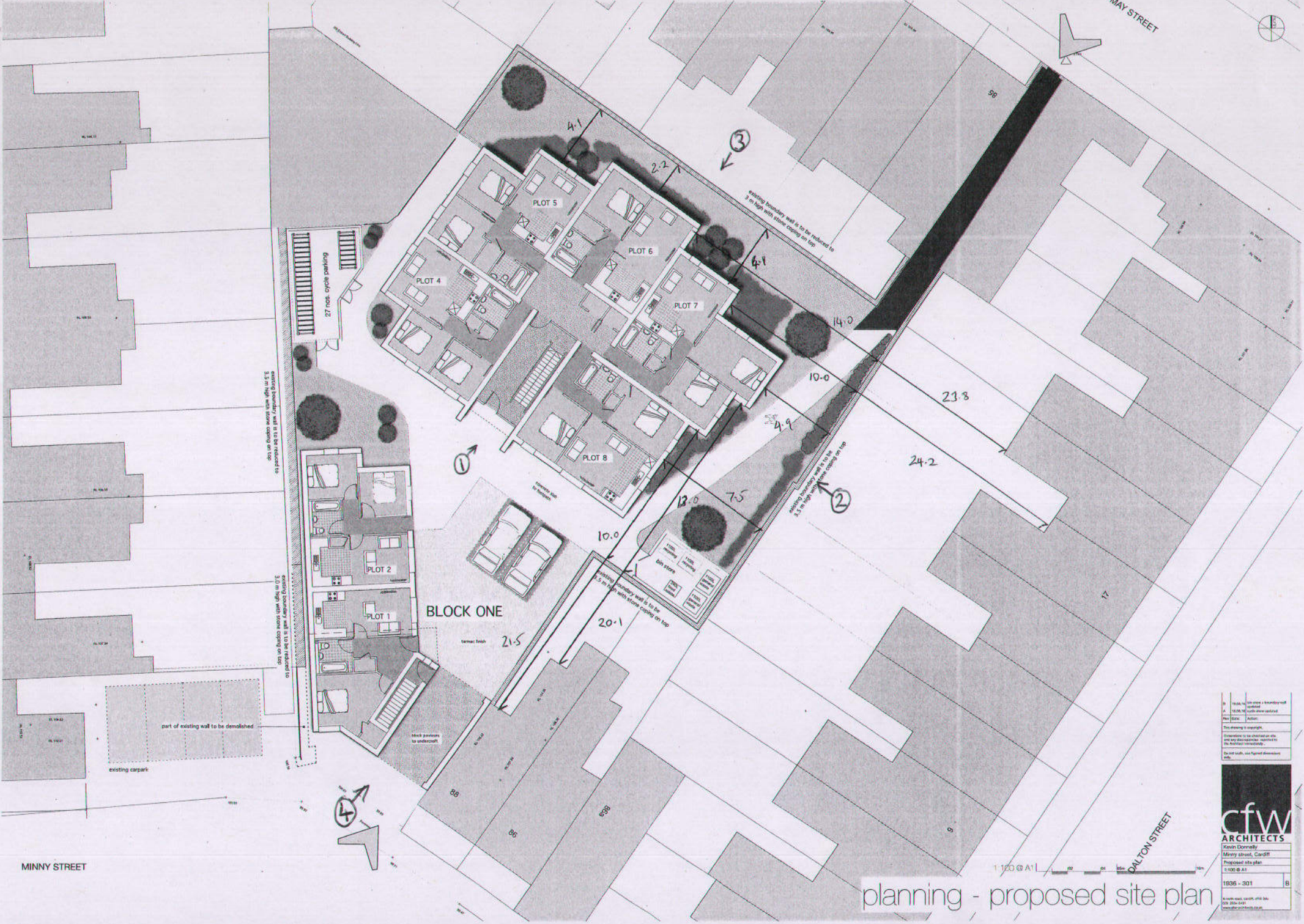


SITE LOCATION PLAN  
AREA 2 HA  
SCALE: 1:1250 on A4  
CENTRE COORDINATES: 318100 , 178012



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MINNY STREET

DALTON STREET

MAY STREET

1:100 @ A1  
planning - proposed site plan

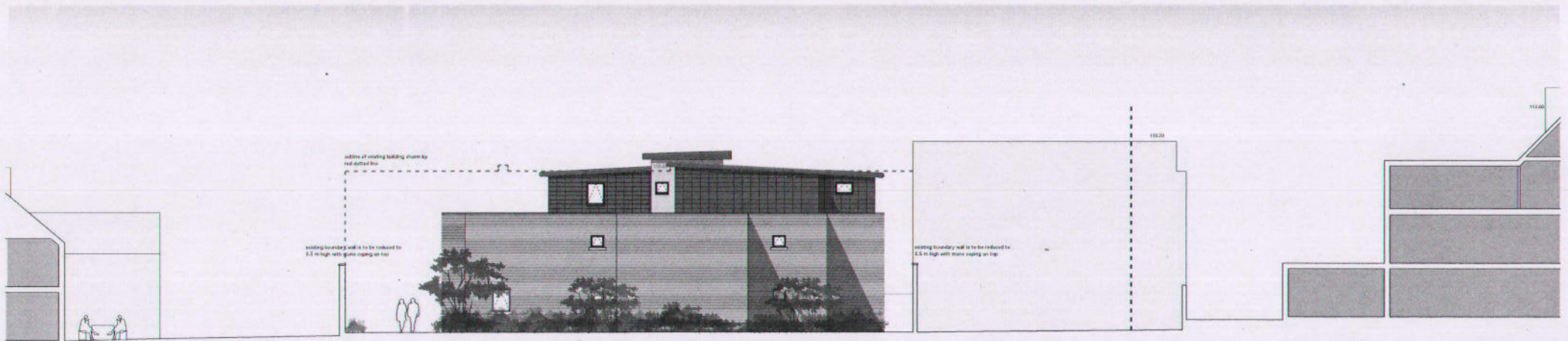
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Kevin Donnelly Mervyn Street, Cardiff Proposed site plan 1:100 @ A1		
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elevation 3

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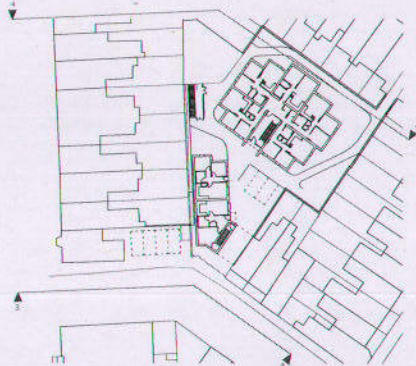


elevation 4

3

planning - proposed street elevation

1:100 © A11

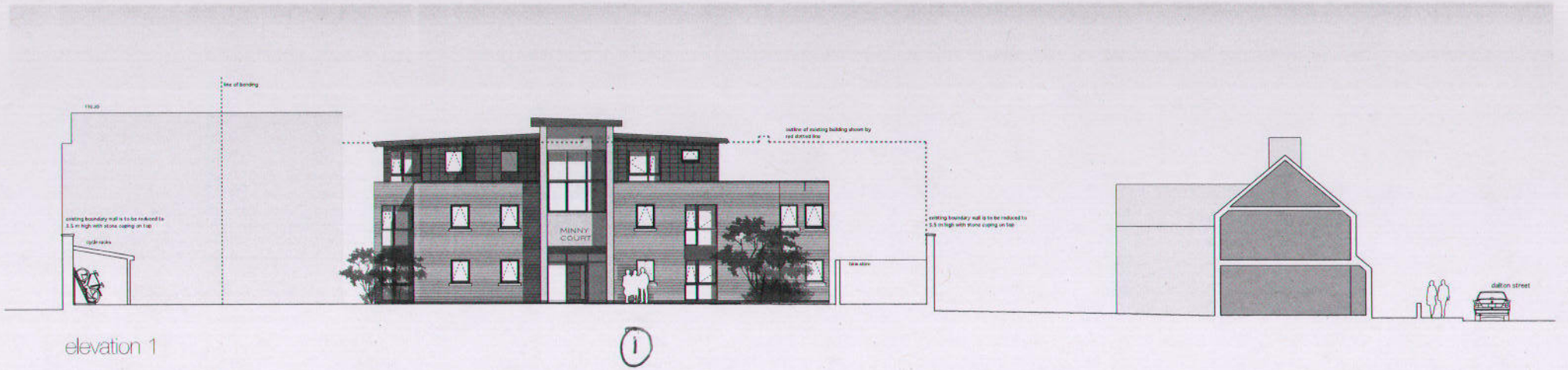


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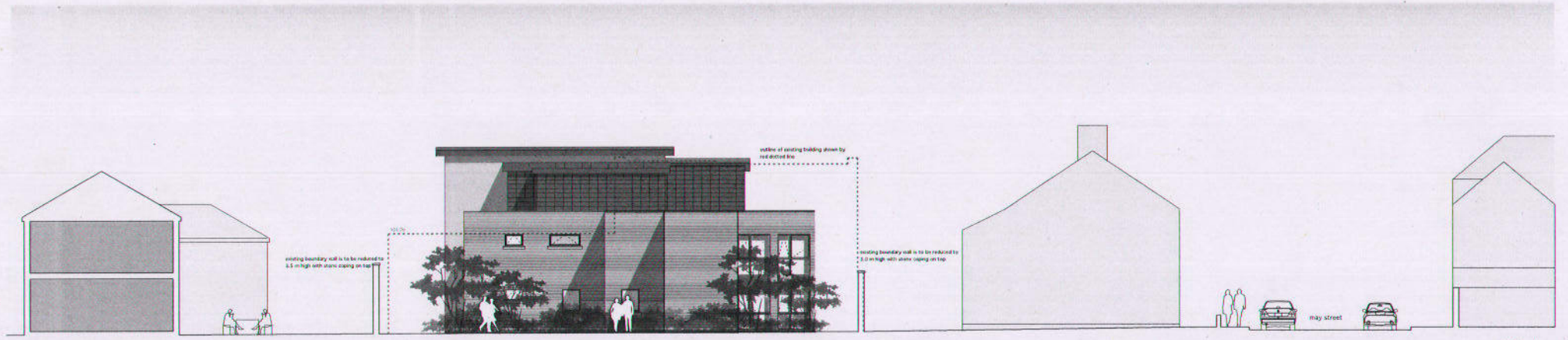
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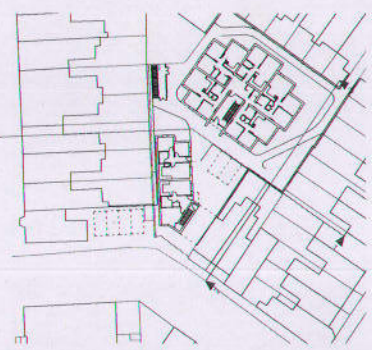


elevation 1



elevation 2

planning - proposed street elevation



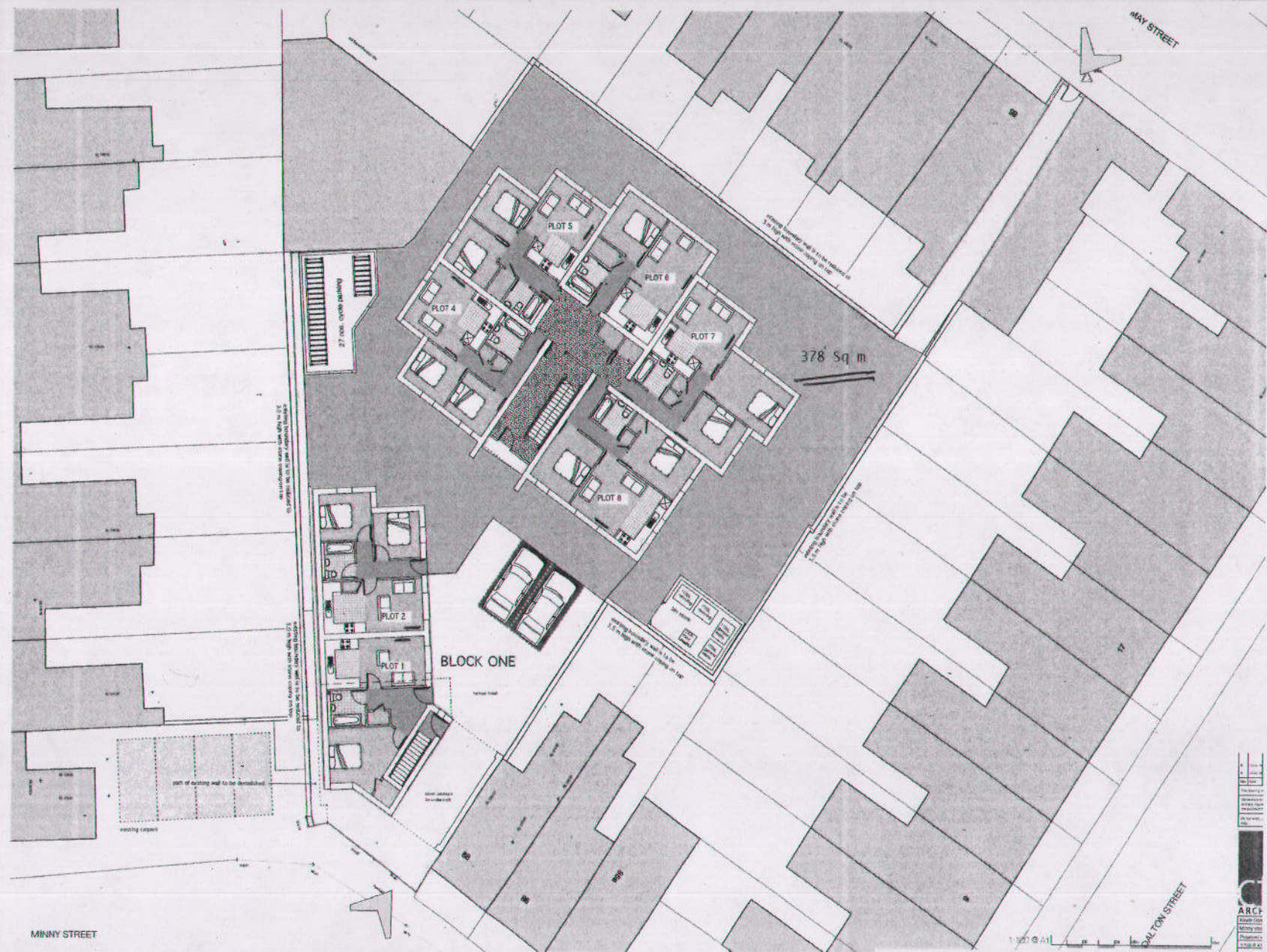
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Karin Connolly  
Muiry Stewart, Carlisle  
Liam MacIntyre  
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AVAILABLE AMENITY SPACE